

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 462 of 2019**

*{Arising out of order dated 13.05.20196 passed by the learned Single Judge in Writ
Petition No. 5142 of 1999}*

- Pragatisheel Engineering Shramik Sangh, Industrial State, Bhilai.

---- Appellant**Versus**

1. M/s BEC Impex International Pvt. Ltd. Heavy Industrial Area, Hath Khoj, District Durg (C.G.)
2. Member Judge, Industrial Court, Raipur Bench.
3. State of Madhya Pradesh, Department of Labour, Vallabh Bhawan, Bhopal (now State of Chhattisgarh, Atal Nagar, New Raipur)

---- Respondents

For Appellant	:	Shri Goutam Khetrapal, Advocate.
For Respondent No. 1	:	Shri Ashish Shrivastava, Advocate.
For Respondent No. 3	:	Shri Sudeep Agrawal, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Judgment on Board****Per P. R. Ramachandra Menon, Chief Justice****15.10.2019**

1. The Appellant-Union is challenging the correctness and sustainability of the verdict passed by the learned Single Judge of 13.05.2006 in Writ Petition No. 5142 of 1999. Obviously, the appeal is belated by 1109 days, which is sought to be condoned by filing an I.A. No. 1 of 2019, application for condonation of

delay. The reason stated in paragraph 2 of the said application is in the following terms:

“That, there were other identical cases, which were listing before the learned Single Bench analogously. Against the other identical cases, the concerned unions have filed writ appeal before the Hon'ble Division Bench of this Hon'ble Court, therefore, the appellant Union was under bonafide impression that the writ appeal has also been filed on their behalf, but later on the members of the appellant union came to know that no appeal has been preferred in respect of appellant union. Thereafter the members of appellant union assembled together and taken decision to prefer appeal before the Hon'ble Division Bench.”

2. On going through the contents of the said application it is seem that the reason put forth, allegedly as a 'reason' for condoning the delay is not an explanation at all; much less any satisfactory. That apart, it is evident that the Appellant-Union itself was pursuing the cause in respect of other similar cases and the matter came to be considered and decided by this Court as per common judgment dated 13.09.2019 in Writ Appeal No. 470 of 2016 and connected cases, whereby interference was declined and the appeal were dismissed.
3. In the above circumstance, we are of the view that there is absolutely no reason to condone the inordinate delay, nor is there any merit with regard to the issue projected herein.
4. In the said circumstances, both the application to condone the delay and the appeal stand dismissed as devoid of merit.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge